

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAYMOND BALL,

Petitioner,

- against -

ORDER TO SHOW CAUSE

19-CV-5310 (RRM) (LB)

ANGELENE STEVENSON,

Respondent.

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MAUSKOPF, United States District Judge.

Upon the instant petition for issuance of a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, September 13, 2019, a copy of which is annexed hereto, it is hereby ORDERED that:

- (1) The Attorney General of the State of New York or the District Attorney of Queens County, as attorney for Respondent, shall show cause before this Court, by the filing of a return to the petition, why a writ of *habeas corpus* should not be issued;
- (2) Within sixty (60) days of receipt of this Order to Show Cause, Respondent shall serve a copy of the return on Petitioner herein and file the original thereof with the Court, together with proof of service;
- (3) At the time of filing such return, Respondent shall electronically file the State Court Record, with no individual attachment to the entry exceeding 20 megabytes. The Respondent is also ordered to supply a hard copy of the State Court Record to Chambers which must be clearly marked "Courtesy Copy, original filed via ECF" and indicate the docket number;
- (4) If copies of Petitioner's and/or the State's briefs are available – including briefs relating to any appeal or in connection with proceedings involving any other direct or collateral challenge to Petitioner's conviction, such as proceedings pursuant to New York Criminal Procedure Law § 440 or on a petition for a writ of error *coram nobis* – Respondent shall electronically file these records at the time of filing such return, with no individual attachment to the entry exceeding 5 megabytes. The Respondent is also ordered to supply a hard copy of Petitioner's and/or the State's briefs to Chambers which must be clearly marked "Courtesy Copy, original filed via ECF" and indicate the docket number;

- (5) Petitioner, within twenty-one (21) days of receipt of a copy of the return, shall file his or her reply, if any, with the Court;
- (6) If Respondent wishes to file a motion to dismiss the petition on the grounds that it was not timely filed, Respondent may delay filing an answer on the merits (and the accompanying record) pending the determination of the motion to dismiss, and the motion may be filed when it is served on Petitioner; and
- (7) Service of a copy of this Order to Show Cause shall be made by the Clerk of this Court by certified mail, together with a copy of the petition, to the Attorney General of the State of New York, 120 Broadway, New York, New York 10271, and the District Attorney of Queens County, and by mailing a copy of this order to Petitioner.

SO ORDERED.

Dated: Brooklyn, New York
September 18, 2019

Roslyn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge